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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Markus Wolfram

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8396

41288 7590 02/22/2010

PATENT CENTRAL LLC
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EXAMINER

HOOK, JAMES F

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

02/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Amendment

The reply filed on December 1, 2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the subject matter of claim 20 being added to independent claims 1 and 8 makes all of the claims non-elected since it places a limitation from a withdrawn claim into the independent claims thereby leading to all the claims being withdrawn from consideration. Applicant argues that the subject matter of claims 20 and 21 are seen in the elected figures, however, it should be noted that figure 1 was the elected figure, where figures 2 and 3 were non-elected, therefore the argument that the limitations in claims 20 and 21 are seen in figures 1-3 that were elected is not persuasive when only figure 1 was elected. Further, applicant provided the list of claims which read on the elected figure 1, and claims 20 and 21 were deemed by applicant to be drawn to non-elected species. Therefore, applicants arguments that the subject matter of these two claims are not drawn to non-elected subject matter and that such is shown in the elected figure 1 are not persuasive at this time. Such seems to further be supported by the fact that the subject matter of these claims dealing with structure 38 is seen in figures 2 and 3 and not in elected figure 1, where applicant did not traverse the original restriction requirement or species requirement, therefore it is considered that features set forth in figures 2 and 3 differ from figure 1 as set forth by the examiner in the original restriction and election requirement, and applicants stated that the features of claims 20 and 21 which appear in non elected figures 2 and 3 were withdrawn from consideration. Since applicant has already received examination based on limitations of figure 1, the addition of features of non elected species to the elected

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claims makes such non elected and withdrawn, and since all claims are withdrawn still, the amendment is still considered non responsive. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James F. Hook/
Primary Examiner, Art Unit 3754

JFH